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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/692545	
CLAIMS AS FILED - PART I					SMALL ENTITY OR OTHER THAN SMALL ENTITY	
(Column 1)		(Column 2)				
FOR	NUMBER FILED	NUMBER EXTRA			RATE	FEE
BASIC FEE (37 CFR 1.16(a))	31				\$150	
TOTAL CLAIMS (37 CFR 1.16(c))	31 minus 20 =	11			X \$25 =	
INDEPENDENT CLAIMS (37 CFR 1.16(b))	2 minus 3 =				X \$100 =	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))					+ \$150 =	
					TOTAL	
<p>* If the difference in column 1 is less than zero, enter "0" in column 2.</p>						
CLAIMS AS AMENDED - PART II					SMALL ENTITY OR OTHER THAN SMALL ENTITY	
(Column 1)		(Column 2)		(Column 3)		
AMENDMENT A	10/19-05	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
	Total (37 CFR 1.16(c))	28	Minus	31	X \$25 =	
	Independent (37 CFR 1.16(b))	3	Minus	3	X \$100 =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$150 =	
					TOTAL ADD'L FEE	
AMENDMENT B	1-17-06	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
	Total (37 CFR 1.16(c))	71	Minus	55	X \$25 =	
	Independent (37 CFR 1.16(b))	16	Minus	10	X \$100 =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$150 =	
					TOTAL ADD'L FEE	
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
	Total (37 CFR 1.16(c))		Minus		X \$25 =	
	Independent (37 CFR 1.16(b))		Minus		X \$100 =	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$150 =	
					TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>						

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

PATENT
Attorney Docket No. 102.0003-05000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No. 1113
Gary K. Michelson, M.D.)	
Serial No.: 10/692,545)	Group Art Unit: 3731
Filed: October 24, 2003)	Examiner: U. Ho
For: SYSTEM FOR RADIAL BONE)	
DISPLACEMENT (as amended))	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("assignee") SDGI Holdings, Inc., duly organized under the laws of the State of Delaware, and whose post office address is 300 Delaware Avenue, Suite 608, Wilmington, Delaware 19801, represents that it is the only assignee of the entire right, title and interest in and to the above-identified application, Serial No. 10/692,545, filed October 24, 2003 for SYSTEM FOR RADIAL BONE DISPLACEMENT in the name of Gary Karlin Michelson as indicated by the assignments duly recorded in the United States Patent and Trademark Office at Reel 015918, Frame 0009; and Reel 016195, Frame 0282; and is the only assignee of the entire right, title and interest in and to Application Serial No. 08/484,927, filed June 7, 1995 (now U.S. Patent No. 6,096,038), for APPARATUS FOR INSERTING SPINAL IMPLANTS in the name of Gary Karlin Michelson as indicated by the assignments duly recorded in the United States Patent and Trademark Office at Reel 015918, Frame 0009; and Reel 011058, Frame 0383.

Assignee SDGI Holdings, Inc. further represents through its representative that to the best of assignee's knowledge and belief, title to the above-identified application and the United States Patent No. 6,096,038 are in assignee, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, SDGI Holdings, Inc. hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 10/692,545, which would extend beyond the

expiration date of Patent No. 6,096,038 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,096,038, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on application Serial No. 10/692,545 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent No. 6,096,038, as presently shortened by any terminal disclaimer, in the event that Patent No. 6,096,038: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is to be charged to Deposit Account No. 50-1068.

If there are any additional fees due in connection with the filing of this reply, please charge the fees to our Deposit Account No. 50-1068. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee SDGI Holdings, Inc.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 17, 2005

By: Thomas H. Martin
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